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SENATE BILL 682

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO WATER; ENACTING A NEW SECTION OF CHAPTER 73,
ARTICLE 2 NMSA 1978 TO PROVIDE FOR RIGHTS, PRIVILEGES,
OBLIGATIONS AND DUTIES OF ACEQUIAS WITHIN CONSERVANCY
DISTRICTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 73, Article 2 NMSA
1978 is enacted to read:

"[NEW MATERIAL] ACEQUIAS WITHIN CONSERVANCY DISTRICTS.--

A. Acequia associations duly constituted pursuant
to Chapter 73, Article 2 NMSA 1978 shall have all the rights,
privileges, obligations and duties as other acequia
associations that do not lie within the boundaries of a
conservancy district.

B. All modifications to ditches, turnouts and other

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1 infrastructure made by any person shall be restored to their
2 state as of 1935 at the expense of the conservancy district
3 within one calendar year from the effective date of this
4 section.

5 C. Failure of a conservancy district to restore
6 acequia infrastructure to its state as of 1935 shall incur a
7 penalty of one thousand dollars (\$1,000) per day assessed
8 against each director of the delinquent conservancy district
9 and its executive director.

10 D. Conservancy districts shall not curtail water
11 deliveries to acequia associations except as part of a general
12 reduction of water delivery in time of shortage or drought.

13 E. Conservancy districts may not pledge, assign or
14 loan water belonging to acequia associations without the prior
15 written consent of the affected acequia associations.

16 F. Statutory conflicts of any kind between Chapter
17 73, Articles 14 through 18 NMSA 1978 and this section shall be
18 resolved in favor of this section.

19 G. The conservancy court of the second judicial
20 district shall have exclusive jurisdiction to resolve disputes
21 between the middle Rio Grande conservancy district and acequia
22 associations whose boundaries lie wholly or partially within
23 the boundaries of the middle Rio Grande conservancy district.

24 H. Operations of the acequia associations shall be
25 funded by payments from the conservancy district to the acequia

underscoring material = new
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1 associations that lie wholly or partially within the district.
2 Acequia associations shall receive a refund of twenty-five
3 percent of the taxes collected by conservancy districts from
4 the property that lies within each acequia association made at
5 the beginning of each calendar quarter. An acequia association
6 may contract at its own expense for an audit of tax payments
7 due from the conservancy district. Conservancy districts may
8 retain for their own use all taxes collected from lands without
9 an acequia association until an acequia is properly formed."

10 Section 2. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2009.